

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-NINTH LEGISLATURE

FIFTY-SEVENTH LEGISLATIVE DAY
MONDAY, MARCH 5, 2007

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Brie Bermudez-Koch,
Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 2, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 5, 2007

The JUDICIARY AND RULES Committee reports that **S 1186, S 1187, and S 1188** have been correctly printed.

DARRINGTON, Chairman

S 1186, S 1187, and S 1188 were referred to the Finance Committee.

March 3, 2007

The FINANCE Committee reports out **H 234, H 235, and H 236** with the recommendation that they do pass.

CAMERON, Chairman

H 234, H 235, and H 236 were filed for second reading.

March 2, 2007

The STATE AFFAIRS Committee reports out **S 1169, S 1172, S 1173, and S 1174** with the recommendation that they do pass.

McKENZIE, Chairman

S 1169, S 1172, S 1173, and S 1174 were filed for second reading.

March 2, 2007

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Moscelene Sunderland to the Sexual Offender Classification Board, term to expire January 1, 2013.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 2, 2007

The JUDICIARY AND RULES Committee reports out **H 193, H 126, H 127, H 128, and H 129** with the recommendation that they do pass.

DARRINGTON, Chairman

H 193, H 126, H 127, H 128, and H 129 were filed for second reading.

March 2, 2007

The RESOURCES AND ENVIRONMENT Committee reports out **H 25** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

SCHROEDER, Chairman

There being no objection, **H 25** was referred to the Fourteenth Order of Business, General Calendar.

March 3, 2007

The FINANCE Committee reports out **S 1186, S 1187, and S 1188** with the recommendation that they do pass.

CAMERON, Chairman

S 1186, S 1187, and S 1188 were filed for second reading.

March 2, 2007

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial

appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

March 2, 2007

Will Judge to the Outfitters and Licensing Board, term to expire April 20, 2009.

SCHROEDER, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 2, 2007

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1051 and S 1062

Sincerely,
/s/ C. L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 2, 2007

Mr. President:

I transmit herewith **HCR 26, HCR 27, HJM 4, H 101, H 231, H 232, H 182, H 230, H 91, H 92, H 96, H 97, H 98, H 111, H 239, H 240, H 242, H 207, H 214, and H 178**, as amended, which have passed the House.

JUKER, Chief Clerk

HCR 26, HCR 27, HJM 4, H 101, H 231, H 232, H 182, H 230, H 91, H 92, H 96, H 97, H 98, H 111, H 239, H 240, H 242, H 207, H 214, and H 178, as amended, were filed for first reading

Mr. President:

I transmit herewith Enrolled **HCR 12** and **HJM 2** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 12** and **HJM 2** and ordered them returned to the House.

March 2, 2007

Mr. President:

I return herewith Enrolled **S 1032** and **S 1066** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1032** and **S 1066** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of C. Kelly Pearce was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Malapeai, seconded by Senator Stegner, the Gubernatorial appointment of C. Kelly Pearce as Administrator of the Division of Building Safety was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SJM 107** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Davis, seconded by Senator Stennett, **SJM 107** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1189

BY FINANCE COMMITTEE
AN ACT

RELATING TO APPROPRIATIONS; AMENDING SECTION 61-215, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN

SALARY FOR MEMBERS OF THE PUBLIC UTILITIES COMMISSION; AMENDING SECTION 63-102, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN SALARY FOR MEMBERS OF THE STATE TAX COMMISSION; AMENDING SECTION 72-503, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN SALARY FOR MEMBERS OF THE INDUSTRIAL COMMISSION; APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR COMMISSIONER SALARIES FOR FISCAL YEAR 2008; APPROPRIATING ADDITIONAL MONEYS TO THE STATE TAX COMMISSION FOR COMMISSIONER SALARIES FOR FISCAL YEAR 2008; AND APPROPRIATING ADDITIONAL MONEYS TO THE INDUSTRIAL COMMISSION FOR COMMISSIONER SALARIES FOR FISCAL YEAR 2008.

S 1190

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2007; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE SUBSTANCE ABUSE SERVICES PROGRAM FOR FISCAL YEAR 2007; AND DECLARING AN EMERGENCY.

S 1191

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2007; AND DECLARING AN EMERGENCY.

S 1189, S 1190, and S 1191, by Finance Committee were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HCR 26, HCR 27, and HJM 4, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 101, by Business Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 231, H 232, and H 182, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

H 230, by State Affairs Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 91, H 92, H 96, H 97, H 98, and H 111, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 239, H 240, and H 242, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 207 and H 214, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 178, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1131, by Transportation Committee, was read the second time at length and filed for third reading.

H 117, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

S 1125, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 28, by Business Committee, was read the second time at length and filed for third reading.

H 100, by Business Committee, was read the second time at length and filed for third reading.

H 5, by Health and Welfare Committee, was read the second time at length and filed for third reading.

H 79, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 85, as amended in the Senate, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

S 1126, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1088, as amended, by Education Committee, was read the second time at length and filed for third reading.

S 1128, as amended, by Resources and Environment Committee, was read the second time at length and filed for third reading.

S 1079, as amended, as amended, by Education Committee, was read the second time at length and filed for third reading.

S 1152, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1156, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1153 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Coiner, Corder, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--Cameron, Darrington. Total - 2.

Total - 35.

Whereupon the President declared **S 1153** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Corder, granted by unanimous consent, **S 1147** retained its place on the Third Reading Calendar for one legislative day.

S 1170 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1170** passed, title was approved, and the bill ordered transmitted to the House.

S 1175 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **S 1175** passed, title was approved, and the bill ordered transmitted to the House.

H 221 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President declared **H 221** passed, title was approved, and the bill ordered returned to the House.

H 60 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Davis, granted by unanimous consent, **H 60** retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Davis, granted by unanimous consent, **S 1147** was placed at the head of the Third Reading Calendar, followed by **H 60**, followed by remaining Senate bills, followed by House bills amended in the Senate, followed by House bills.

The Senate advanced to the 15th Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:35 a.m. until the hour of 10 a.m., Tuesday, March 6, 2007.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary